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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Humphries Exam : Courson, T.C.  
Serial No. : 10/070,499 A.U. : 2859  
Filing Date: 06/12/02  
For : PARALLEL RULE

9/EOT(1)/Election  
P. Walker  
7-30-03

ELECTION AND PETITION FOR  
EXTENSION OF TERM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 14 2003  
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Dear Sir:

An extension of one month to the term for reply to the Office action dated 05/14/03 is requested (i.e., from 06/14/03 to 07/14/03). A check for \$55.00 (small entity) is enclosed herewith.

1. Applicant elects the claims of Group I; namely; claims 1, 2 and 15-21.
2. Applicant elects the claims of Group A; namely; claims 1, 2, 15 and 17-21.

The non-elected claims are retained against the possibility of filing one or more divisional applications.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael Y. Epstein  
(Type or print name of person mailing paper)

Date: July 7, 03

My E/nd  
(Signature of person mailing paper)

While an election is made, as required, it is respectfully submitted that such requirement is in error.

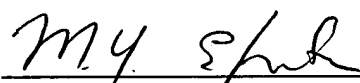
Concerning claims 17-20, directed to a package, it is presumed that the Examiner includes these claims with claim 15 (three links) in Group A rather than also with claim 16 (two links) in Group B because the sole figure (Fig. 6) showing the package shows a three link rule. While the issue is likely of no significance, applicant does not wish to appear to agree that the application does not disclose that the package can be used with the two link rule. It can be, as is evident from consideration of the text on page 6 and a comparison of Figs. 6 and 7. Further analysis at this time appears not necessary.

Concerning claims 15 and 16, the Examiner appears to overlook the significance (according to the PCT Rules, even if not according to US practice) of the fact that these claims are both dependent upon claim 1. Reference is made to the MPEP, § 1850, page 1800-61 (Aug. 2001), "A. Independent and Dependent Claims," where it is explained, lower, left-hand column, that unity of invention has to be considered "in the first place" (see, following) only in relation to the independent claims in an international application (even after entering the national phase; see top of left-hand column on page 1800-61) but not the dependent claims. Also, in the first full paragraph in the right-hand column of the same page, it is noted that no problem of lack of unity of invention arises even if a dependent

claim itself contains a further invention. Thus, the issue is not whether the claims describe different features, but whether (PCT Rule 13.2) there is one or more of the same special technical features specified in each claim. This is satisfied by both claims being dependent upon claim 1. Moreover, in the second full paragraph, right-hand column on page 1800-61, it is explained that the question of lack of unity of invention of dependent claims arises only after a finding of lack of patentability of the independent claim.

Accordingly, the restriction requirement concerning Groups A and B should be withdrawn as being contrary to PCT rule 13.2, or at least premature, and all the claims of the two Groups should be examined.

Respectfully submitted,

  
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